

**SHAWN E. MULLIN
PETER DELVECCHIA vs FRONTIER AIRLINES**

**December 10, 2019
1-4**

1	UNITED STATES DISTRICT COURT	Page 1	Page 3	
2	DISTRICT OF NEVADA			
3				
4	PETER DELVECCHIA, et al,)	1 EXAMINATION	
)	2 WITNESS:	
	Plaintiff,)	Shawn Edward Mullin	
)	3	
	vs.	1 CASE NO. 2:19-CV-01322-KJD-NJK	4 Examination by	
7	FRONTIER AIRLINES, INC., et al,)	Mr. McKay	
)	4,122,134	
	Defendants.		5	
			Mr. Maye	
			115,132	
9			6	
10			7	
11			8	
12			9 EXHIBITS	
13			10 EXHIBIT	PAGE
14			11 Exhibit 1 Notice of Deposition	9
15			12 Exhibit 2 Printouts of ACARS Messages	61
16			13 Exhibit 3 photographs from employee records	76
17			14	
18			15	
19	DEPOSITION OF SHAWN EDWARD MULLIN		16	
20	Taken on Tuesday, December 10, 2019		17	
21	At 10:00 a.m.		18	
22	At Titolo Law Office		19	
23	9950 West Cheyenne Avenue		20	
24	Las Vegas, Nevada		21	
25	REPORTED BY: SHIFRA MOSCOVITZ, CCR NO. 938		22	

1	APPEARANCES:	Page 2	Page 4
2	For Plaintiffs:		LAS VEGAS, NEVADA; DECEMBER 10, 2019
3	JOHN D. MCKAY, ESQ. PARK AVENUE LAW 127 W. Fairbanks Avenue #519	2	10:00 A.M.
4	Winter Park, Florida (800)391-3654	3	-oO-
5		4	(NRCP Rule 30(b)(4) waived by the parties prior to the
6		5	commencement of the deposition.)
7		6	(FRCP Rule 30(b)(5) waived by the parties prior to the
8	For Plaintiffs:	7	commencement of the deposition.)
9	TIM TITOLO TITOLO BRAIN AND INJURY LAW 9950 W. Cheyenne Avenue Las Vegas, Nevada 89129 (702)869-5100	8	Thereupon--
10		9	SHAWN ADAM MULLIN,
11		10	was called as a witness, and having been first duly sworn,
12		11	was examined and testified as follows:
13		12	EXAMINATION
14	For Defendants:	13	BY MR. MCKAY:
15	BRIANNE T. MAYE, ESQ. ADLER MURPHY & MCQUILLEN LLP 20 South Clark Street Suite 2500	14	VIDEOGRAPHER: This is media number one to
16	Chicago, Illinois 60603 (312)345-0700	15	the video recorded deposition of Shawn Edward
17		16	Mullin in the matter of Peter Delvecchia et al.
18		17	versus Frontier Airlines Incorporated, et al,
19		18	being heard before the United States District
20		19	Court for the District of Nevada, case number
21	Also Present: MONICA HAYWORTH, VIDEOGRAPHER PETER DELVECCHIA	20	2:19-cv-01322-KJD-NJK. This deposition is
22		21	being held at Titolo Law Office, 9950 West
23		22	Cheyenne Avenue, Las Vegas, Nevada, starting at
24		23	10:04 a.m. My name is Monica Hayworth, and I
25		24	am the videographer. The court reporter is
		25	Shifra Moscovitz, with Esquire Deposition

SHAWN E. MULLIN
PETER DELVECCHIA vs FRONTIER AIRLINES

December 10, 2019
81-84

Page 81	Page 83
1 Q. And what was the basis for that decision?	1 A. There was no discussion about it. I mean
2 A. Making sure the safety of the child was	2 I think it was used as a descriptor by somebody, but
3 paramount to us and we were avoiding any	3 I don't know, it was not a relevant fact in our
4 inappropriate or potentially dangerous situations	4 determinations of the captain and I making a
5 that could arise.	5 decision.
6 Q. Now, had you at that point received any	6 Q. So well one of the flight attendants you
7 information about who the adult and child were?	7 are saying said the older man is white and the
8 A. With respect to what?	8 younger child is black?
9 Q. Flames?	9 MR. MAYE: Object to form.
10 A. No.	10 Q. Is that correct?
11 Q. Okay. Family relationship?	11 A. I don't know that they said the older man
12 A. No, only that they were sitting together	12 was white. I know that it was a young African
13 and they were moved once. So I would assume that	13 American child. But I don't remember when they said
14 they were family or traveling together.	14 anything about the adult.
15 Q. Could you have asked dispatch and/or SOC	15 Q. But somehow you knew it was not an African
16 for at least their names?	16 American adult traveling with an African American
17 A. It's possible.	17 child?
18 Q. It's possible that you could have done it?	18 A. Yes, I don't know how that came up, it
19 A. Yes, but even if we would have asked, it's	19 would have been with one of the flight attendants.
20 not incredibly accurate, they would have had, you	20 Q. But you never saw, right?
21 know, passengers move into the incorrect seats	21 A. No.
22 occasionally. So in the past we have done that, we	22 Q. So you would have had to have been told
23 have gotten incorrect information and still had to	23 that information by one of the flight attendants?
24 work with it through the passengers themselves.	24 MR. MAYE: Object to form.
25 Q. I see.	25 Q. Let me ask it a different way. Since you
1 A. So we could have asked, sure, but it	1 never saw them, you could only find out their race
2 wouldn't have made a difference in our decisions.	2 by being told, right?
3 Q. Somebody could have asked the passengers	3 A. Yes.
4 themselves, couldn't they?	4 Q. And the only people that would have
5 A. Sure, we knew that they were traveling	5 communicated that information to you were the flight
6 together, that they had sat together and moved	6 attendants?
7 together, so it was safe to say they were together	7 A. Yes.
8 in that situation.	8 Q. Okay. Now, you, yourself, never saw the
9 Q. Was there any attempt made to ask them why	9 adults touch the child?
10 they were traveling together?	10 A. Correct.
11 A. No, I mean people travel for many reasons,	11 Q. Okay. Who made the decision to separate
12 and I don't think anyone asked.	12 the two passengers?
13 Q. Was there any attempt made to ask them	13 A. I think the four of us collectively had.
14 their names?	14 Like I said, earlier the captain and I had discussed
15 A. I don't know that, I don't know if that's	15 with the first flight attendant about what could
16 a yes or no, I didn't ask them, so.	16 lead us to a situation where we would want to
17 Q. You didn't ask anybody to find out what	17 separate them or what other outcomes we would have
18 their names are?	18 to the extent of landing immediately, and as all
19 A. I did not ask that, no.	19 four flight attendants are in the cockpit, the
20 Q. Was there a discussion that they couldn't	20 amount of information and the details that we had
21 be related to each other?	21 received had led us down the track that we should
22 A. No.	22 separate them and make sure to diffuse the situation
23 Q. Was there at this point in time, with four	23 as best we can in the current environment.
24 people in the cockpit, was there a discussion about	24 Q. So the decision was made based on new
25 their different races?	25 information which was A, that the adult's hand was